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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-450

13 **MELISSA ANNE CHANGEUX,**
14 **aka MELISSA BEAN**

15 **120 Santa Maria Drive**
16 **Novato, CA 94947**
Registered Nurse License No. 660884

ACCUSATION

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about July 18, 2005, the Board of Registered Nursing issued Registered Nurse
25 License Number 660884 to Melissa Anne Changeux, aka Melissa Bean ("Respondent"). The
26 Registered Nurse License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on October 31, 2012, unless renewed.
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8. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • •

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

• • •

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

9. Code section 4022 states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a -----," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

COST RECOVERY

~~10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.~~

CONTROLLED SUBSTANCES AND DANGEROUS DRUGS AT ISSUE

11. "Fentanyl Transdermal," is a patch applied to the skin for treatment of ongoing severe pain that cannot be relieved by quick-acting narcotics or non-narcotic pain medications. It is an opioid analgesic that is approximately 100 times more potent than Morphine Sulfate and classified as a Schedule II controlled substance pursuant to Health and Safety Code Section 11055, subdivision (c)(8), and a dangerous drug within the meaning of Business and Professions Code Section 4022. Known side-effects of this medication include confusion, drowsiness, mood/mental changes as well as dizziness.

12. "Temazepam," is a medication used for the treatment of insomnia. It is a Schedule IV controlled substance pursuant to Health and Safety Code Section 11057, subdivision (d)(29), and a dangerous drug within the meaning of Business and Professions Code Section 4022.

13. "Oxycodone with Acetaminophen," is also known by the brand name Percocet. It is a narcotic analgesic, used to treat moderate to moderately severe pain. It is classified as a Schedule II controlled substance pursuant to Health and Safety Code Section 11055, subdivision (b)(1)(N), and a dangerous drug within the meaning of Business and Professions Code Section 4022.

14. "Lorazepam" is a medication prescribed for the treatment of anxiety, insomnia and/or for relief of symptoms associated with alcohol withdrawal. It is classified as a Schedule IV controlled substance pursuant to Health and Safety Code Section 11057, subdivision (d)(16), and a dangerous drug within the meaning of Business and Professions Code Section 4022.

15. "Morphine Sulfate" is an opioid analgesic prescribed for the treatment of moderate to severe acute and chronic pain. It is classified as a Schedule II controlled substance pursuant to Health and Safety Code Section 11055, subdivision (b)(1)(M), and a dangerous drug within the meaning of Business and Professions Code Section 4022.

16. "Hydromorphone," known by the brand name Dilaudid, is a opioid analgesic prescribed for the treatment of moderate to severe pain. It is classified as a Schedule II controlled substance pursuant to Health and Safety Code Section 11055, subdivision (b)(1)(K), and a dangerous drug within the meaning of Business and Professions Code Section 4022.

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STATEMENT OF FACTS

17. At all relevant dates as set forth herein, Respondent was employed as a registered nurse on the night shift (10:45 p.m., to 7:15 a.m.) at Kaiser Permanente Medical Center ("Kaiser") in San Rafael, California.

18. On or about August 16 and/or 17, 2007, Respondent was observed wearing a Fentanyl Patch during her shift assignment. Respondent admitted on the morning of August 17, 2007, that she had been worn a Fentanyl patch during her shift. It was observed at this time that she displayed signs of being under the influence of Fentanyl.

19. At approximately 11:32 p.m., on August 7, 2007, Respondent withdrew one 7.5 milligram tablet of Temazepam for Patient A. There was no reference in the Medication Administration Record ("MAR") that Patient A had been administered this medication by Respondent.¹

20. At approximately 6:59 a.m., on August 7, 2007, Respondent withdrew two tablets of Oxycodone (5 milligrams) with Acetaminophen for Patient B. However, there was no physician order for Patient B to receive this medication. Respondent failed to reference in the MAR that she administered this medication to Patient B.

21. At approximately 6:06 a.m., on August 6, 2007, Respondent withdrew one vial of Morphine Sulfate 4 milligrams per milliliter for Patient E. There was no reference in the Medication Administration Record ("MAR") that Patient E had been administered this medication by Respondent.

22. At approximately 2:19 a.m., on August 6, 2007, Respondent withdrew one tablet of Lorazepam 1 milligram for Patient E. On the MAR, Respondent noted that she "wasted" the Lorazepam, but failed to have this event documented by another staff.

23. At approximately 3:34 a.m., on August 11, 2007, Respondent withdrew one 2 milligram vial of Hydromorphone for Patient F, whose physician had prescribed 0.5 milligrams of this medication to be given intravenously for "severe" pain. Respondent's assessment of

¹ The MAR is a form used at Kaiser to provide for accurate documentation of medications administered to patients.

1 Patient F at 3:00 a.m., noted only moderate, not severe pain. It was recorded in the Pyxis that
2 another nurse had witnessed Respondent wasting 1.5 milligrams of Hydromorphone however,
3 Respondent failed to account for the remaining 0.5 milligrams of this medication. Furthermore,
4 Respondent failed to document on Patient F's MAR that she had administered this medication.

5 FIRST CAUSE FOR DISCIPLINE

6 (Gross Negligence – Under the Influence of a Controlled Substance While on Duty)

7 24. Respondent is subject to disciplinary action for gross negligence under Section 2761,
8 subdivision (a)(1), in that on August 16 and/or 17, 2007, while on duty at Kaiser, she was under
9 the influence of a controlled substance (Fentanyl Transdermal) as set forth above in paragraphs
10 17 and 18.

11 SECOND CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct – Use of a Controlled Substance to an Extent or
13 in a Manner Dangerous or Injurious to Oneself or Others)

14 25. Respondent is subject to disciplinary action under Section 2761, subdivision (a), on
15 the grounds of unprofessional conduct as defined by Section 2762, subdivision (b), based on her
16 admission of having worn a Fentanyl patch while on duty at Kaiser on August 16 and/or 17, 2007
17 as set forth above in paragraphs 17 and 18.

18 THIRD CAUSE FOR DISCIPLINE

19 (Unprofessional Conduct – Grossly Inconsistent Entries in Hospital Records)

20 26. Respondent is subject to disciplinary action under Section 2761, subdivision (a), on
21 the grounds of unprofessional conduct as defined by Section 2762, subdivision (e), based on her
22 grossly inconsistent and/or unintelligible entries in Kaiser records as set forth above in paragraphs
23 19 through 23.

24 PRAYER

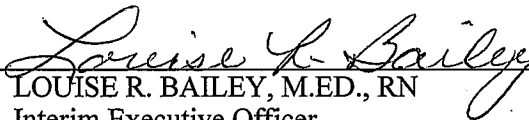
25 ~~WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,~~
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 660884, issued to Melissa
28 Anne Changeux, aka Melissa Bean.

1 2. Ordering Melissa Anne Changeux, aka Melissa Bean, to pay the Board of Registered
2 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
3 Business and Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: November 22, 2010



LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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